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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/645,130  | 08/21/2003  | Brima B. Ibrahim     | BP2701              | 7114             |
| 34399   | 7590        | 09/21/2004           | EXAMINER            |                  |
| GARLICK HARRISON & MARKISON LLP<br>P.O. BOX 160727<br>AUSTIN, TX 78716-0727 |             |                      | NOLAN JR, CHARLES H |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2854                |                  |

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/645,130             | IBRAHIM ET AL.      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Charles H Nolan, Jr.   | 2854                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 August 2003.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8,11-21,24-26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Smith (6,014,554).

With respect to Claims 1,6-7,8,12-14,19-21,25-26, Smith teaches filtering a first signal by a low pass filter (DC signal) having a frequency in a known pass region of a filter in column 2, lines 47-48, measuring the strength (filter output) of the first signal in column 2, lines 50-51, filtering the second signal by a low pass filter (AC signal) having a second frequency at a corner( cut-off) frequency in column 2, lines 47-50, measuring the strength (filter output) of the second frequency in column 2, lines 51-52, comparing the first measured strength with the second measured strength to determine if the second signal has been attenuated to the desired amount (3dB) in column 2, lines 53-55 and the adjusting(tuning) step in column 2, lines 54-55 and the transmitter and receiver for radio frequency (cellular telephones) in column 1, lines 40-51 and column 3, lines 54-60. With respect to Claim 2, this claim is simply a repeat of the method of Claim 1. Smith teaches in column 8, lines 24-25 that “[t]he present invention may be utilized for repeatedly tuning a filter or filters during operation...” which is all that Claim 2 requires. With respect to Claims 3,16, Smith teaches the low pass filter in column 2,

lines 46-47. With respect to Claims 4,17, Smith teaches the band pass filter in column 8, lines 19-20. With respect to Claims 5,18, Smith unavoidably necessarily teaches the second desired corner frequency because band pass filters as taught by Smith in column 8, lines 19-20 **always** have two different corner (cut-off) frequencies. With respect to Claims 11,15,24, it is noted that the analog filters of Smith always contain reactive elements (capacitors or inductors). Thus, an unavoidably necessary part of the adjusting (tuning) taught by Smith in column 2, lines 51-52 is adjusting the time constants of the filter's reactive elements.( See, also, Smith @ column 2, lines 32-46).

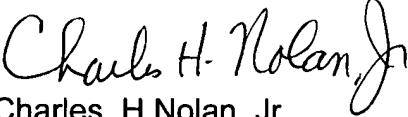
***Allowable Subject Matter***

3. Claims 9-10 and 22-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. The following is a statement of reasons for the indication of allowable subject matter: The Examiner reserves comment until the entire instant application is in condition for allowance.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles H Nolan, Jr. whose telephone number is 571-272-2171. The examiner can normally be reached on Monday through Thursday 8:00 AM to 6:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Charles H. Nolan, Jr.  
Primary Examiner  
Art Unit 2854

CHN